

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Niels Ebbe JACOBSEN <i>et al.</i>	Confirmation No.:	8747
Application No.:	10/583,838	Group Art Unit:	2617
Filed:	October 3, 2008	Examiner:	Nguyen, David Q

For: COMMUNICATION SYSTEM

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement of July 19, 2010, Applicants provisionally elect, with traverse, to prosecute on the merits claims 1, 8, 16, 19 through 27, 35, and 40 through 49 (Group I), without prejudice to any divisional application that may be filed to cover the non-elected claims.

Applicants respectfully traverse the outstanding restriction requirement for the following reason.

MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

As admitted by the Examiner, the claims of the present application are a part of an overlapping search area (class 455). In addition, the claims of the present application include Group I: a user terminal querying a server for presence information of registered user(s) and

Group II: the server processing the queries. The corresponding claims of the two groups appear significantly overlap. Accordingly, Applicants respectfully traverse the outstanding Restriction Requirements on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of each of claims 1, 8, 16, 19 through 35, 37, and 40 through 57 be conducted.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

August 18, 2010
Date

/Chih-Hsin Teng/
Chih-Hsin Teng
Attorney for Applicant(s)
Reg. No. 63168

918 Prince Street
Alexandria, VA 22314
Tel. (703) 822-7186
Fax (703) 519-9958